

CALIFORNIA COURTS SELF-HELP CENTER

www.courtinfo.ca.gov/selfhelp

**INSTRUCTIONS: Form WV-100
Petition of Employer for Injunction Prohibiting
Violence or Threats of Violence Against Employee**

The next three pages show a **Petition** that has been completed, with examples of the kind of information a court is likely to want.

If you are not represented by an attorney, fill in your name, mailing address, and phone number at the top of each form.

The court clerk will give you this number. Use it on all forms you file later.

After this form is filed, the clerk will stamp this box on the copies so everyone knows it is a copy of an official paper. This is the place for the "Endorsed-Filed" stamp.

County where you are filing your case. Call the clerk of the court if you do not know the address of the court.

Your full name.

The full name of the person you want the orders against.

The full name of the employee to be protected.

Check this box if you are asking for orders to go into effect immediately when the **TRO** is signed by the judge. You will also need to check the box at item 6 and give the necessary information.

Insert your name and type of business in item 1.

Insert the employee's name in item 2.

If you are seeking to protect more than one employee, use a separate **Petition** for each employee.

Put an "X" in the box that applies in item 4. You must check one box.

Item 5b is the most important part of your petition. This information is all the judge will know about your case until the hearing. Give details of the most recent incidents.

WV-100	
<div style="border: 1px solid black; padding: 5px;"><div style="display: flex; justify-content: space-between;"><div>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address)</div><div>TELEPHONE NO.</div></div><div style="margin-top: 5px;">Sarah Jones 110 Main Street Anytown, California, 91234</div><div style="margin-top: 5px;">(123) 555-1234</div><div style="display: flex; justify-content: space-between; margin-top: 5px;"><div>FAX NO. ADDRESS (Optional): (123) 555-1235</div><div>E-MAIL ADDRESS (Optional):</div></div><div style="margin-top: 5px;">ATTORNEY FOR (Name): in pro per</div></div>	<div style="border: 1px solid black; padding: 5px; text-align: center;">FOR COURT USE ONLY</div>
<div style="border: 1px solid black; padding: 5px;"><div style="display: flex; justify-content: space-between;"><div>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ANY COUNTY</div><div></div></div><div style="margin-top: 5px;">STREET ADDRESS: 1 Court Street</div><div style="margin-top: 5px;">MAILING ADDRESS: P.O. Box 123</div><div style="margin-top: 5px;">CITY AND ZIP CODE: Anytown, California 91234</div><div style="margin-top: 5px;">BRANCH NAME:</div></div>	
<div style="border: 1px solid black; padding: 5px;"><div style="display: flex; justify-content: space-between;"><div>PLAINTIFF: Sarah Jones</div><div></div></div><div style="margin-top: 5px;">DEFENDANT: John Roe</div><div style="margin-top: 5px;">EMPLOYEE: Michael Smith</div></div>	
<div style="border: 1px solid black; padding: 5px;"><div style="display: flex; justify-content: space-between;"><div>PETITION OF EMPLOYER FOR INJUNCTION PROHIBITING VIOLENCE OR THREATS OF VIOLENCE AGAINST EMPLOYEE</div><div>CASE NUMBER:</div></div><div style="margin-top: 5px;"><input checked="" type="checkbox"/> Application for Temporary Restraining Order</div></div>	

(This is NOT an order)

Read the Instructions for Petitions to Prohibit Workplace Violence (form WV-150) before completing this form.
NOTE: Plaintiff **must** be an employer with standing to bring this action under Code of Civil Procedure section 527.8.

1. Plaintiff (name): Sarah Jones is a ☐ corporation ☒ sole proprietorship and is filing this suit on behalf of the employee identified in item 2.
☐ other (specify):

2. Employee (name): Michael Smith
Sex: ☒ M ☐ F Date of birth: 12/22/65 (Use a separate petition for each employee you are seeking to protect.)

3. Defendant (name): John Roe
a. Resides at (state address, if known): 33 Third Street, #106, Anytown, California 94124
b. Works at (state address, if known): Apex Industries, 9420 Commercial Street, Anytown, California 94125
c. ☐ Is ☒ Is not a current employee of plaintiff (explain if defendant is still an employee):

4. This suit is filed in this county because
a. ☐ defendant resides in this county.
b. ☒ defendant has caused physical or emotional injury to plaintiff's employee in this county.
c. ☐ other (specify):

5. Defendant has ☒ assaulted ☒ battered ☐ stalked or ☒ made a credible threat of violence against the employee by knowing or willing statements or a course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family.
a. One or more of these acts can reasonably be construed to be carried out or to have been carried out at the employee's workplace at (address): 110 Main Street Anytown, California, 91234
b. Describe what happened (including the dates, who did what to whom, and any injuries):
I own and operate a small cafe, called Sarah's Cafe, in Anytown. Michael Smith has worked for me as a waiter for a long time. About three weeks ago John Roe, a customer, got into an argument with another customer and started shouting. When Michael Smith asked John Roe to leave, he refused and pushed Michael against the counter. Michael called the police. When they came, John Roe started shouting and threatened to beat Michael up for calling the police. The police took John Roe away, but he came back a week later and Michael asked him to leave. He threatened to "get" Michael and his family (whose residence he knows) and left. Last week, on March 11, at about 11:30 a.m., John Roe came

Form Adopted for Mandatory Use
Judicial Council of California
WV-100 (Rev. July 1, 2001)

PETITION OF EMPLOYER FOR INJUNCTION PROHIBITING
VIOLENCE OR THREATS OF VIOLENCE AGAINST EMPLOYEE
(Workplace Violence)

Page 1 of 3
Code of Civil Procedure, § 527.8

If you have so many facts that they will not all fit, put an "X" in this box and write the facts on a separate piece of paper and attach it to the end of your **Petition**. Use white paper the same size as this form.

If you are asking for the orders to go into effect immediately, as soon as the judge signs the **TRO**, you **must** check this box and state the reasons. State what harm would result to the employee if the orders were not made immediately.

Indicate the orders that you are requesting by checking the appropriate boxes in item 8.

Identify the members of the employee's family or household to be protected in item 8a.

Put an "X" in the boxes that apply to your case. Leave the boxes empty if they do not apply to your case.

You do not need to give specific addresses in item 9. However, it may be easier for the police to enforce your orders if they know the defendant knows the addresses to stay away from.

Fill this in.

Leave this blank.

PLAINTIFF (Name): Sarah Jones	CASE NUMBER
DEFENDANT (Name): John Roe	

5. d. (Continued)
in, sat down at the counter, and demanded that Michael serve him. Michael said he would call the police if John Roe did not leave, and John Roe picked up a ketchup bottle and threw it at Michael, hitting him on the arm. John Roe again threatened to "get" Michael and his family, and then he left. We called the police and made a report. I understand he was arrested and shortly will be released pending trial.

☐ Continued on Attachment 5b.

6. ☒ Employee will suffer great and irreparable harm before this petition can be heard in court unless the court makes those orders requested below effective now and until the hearing. (Specify the harm and why it will occur before the hearing):
When John Roe is released, he is likely to carry out his threats against Michael Smith and his family. Roe tends to be violent. He knows where Smith and his family live.

☐ Continued on Attachment 6.

7. Defendant's conduct has been directed against employee and is knowing and willful, is not constitutionally protected, and does not constitute lawful acts of self-defense or defense of others.

PLAINTIFF REQUESTS THE COURT TO MAKE THE ORDERS INDICATED BY THE CHECK MARKS IN THE BOXES BELOW.

8. ☒ **RESTRAINING ORDERS** ☒ To be ordered now and effective until the hearing

a. Defendant shall not engage in unlawful violence or make threats of violence against the employee and the following members of employee's family or household who reside with the employee:

(1) (Name): Jane Smith
Sex: ☐ M ☒ F Date of birth: 3/27/66

(2) (Name): Mary Smith
Sex: ☐ M ☒ F Date of birth: 1/17/95

(3) (Name):
Sex: ☐ M ☐ F Date of birth: _____ ☐ Continued on Attachment 8a.

b. Specifically, defendant

(1) ☒ shall not assault, batter, or stalk the employee and other protected persons.

(2) ☒ shall not follow or stalk the employee and other protected persons to or from the place of work.

(3) ☒ shall not follow the employee and other protected persons during hours of employment.

(4) ☒ shall not telephone or send correspondence to the employee and other protected persons by any means including, but not limited to, the use of the public or private mails, interoffice mail, fax, or computer e-mail.

(5) ☒ shall not enter the workplace of the employee and other protected persons.

(6) ☐ other (specify):

9. ☒ **STAY-AWAY ORDERS** ☒ To be ordered now and effective until the hearing

a. Defendant shall stay at least (specify): 150 yards away from the following places and persons (the addresses of the places are optional and may be kept confidential):

(1) Employee ☒ and other protected person identified in item 8a.

(2) ☒ Employee's residence (address optional):

(3) ☒ Employee's place of work (address optional): 110 Main Street
Anytown, California, 91234

(4) ☒ Employee's children's school or place of child care (address optional):

(5) ☒ Employee's vehicle (specify): 1995 White Toyota Sedan (Lic. No.: 9XYZ1234)

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Whenever you check these boxes, you are asking for the order to go into effect immediately, as soon as the **TRO** is signed by the judge. You will also need to check the box at item 5 and give the necessary information.

List all the agencies you may want to enforce your **Order**. The court will direct you or your attorney (if you have one) to deliver the **Order** personally to the agencies after it is signed.

If you are requesting stay-away orders, you must check one of the boxes in item 9b.

If you are requesting costs, check the box and provide information in item 10.

This space is where you ask for other orders you need. If you use this space, be sure to put in facts and dates in item 11 on pages one and two of your **Petition** that would give the court a reason to order what you ask for here.

The defendant must be served immediately after the orders are issued, unless the judge shortens the time to two days before the hearing. It is a good idea to ask for this if you think the defendant will be hard to find and serve.

If there have been previous restraining orders, provide information about them in items 14 and 15.

Provide a description of the defendant to be restrained in item 16.

Check the box if your **Petition** contains the allegations stated in item 18.

Fill this in.

Leave this blank.

PLAINTIFF (Name): Sarah Jones	CASE NUMBER
DEFENDANT (Name): John Roe	

9. a. (Continued)
(b) ☐ Other (specify):

b. Will granting of any of the stay-away orders in item 9a deprive defendant of access to his or her residence or place of employment?
☐ Yes ☒ No (If yes, explain):

10. ☒ **COSTS**
Defendant should be ordered to pay costs as follows (specify):
Cost of service. I will bring the receipt to the hearing.

11. ☐ **OTHER ORDERS** (specify other orders you request to help carry out the orders previously requested):

12. Plaintiff requests that copies of orders be given to the following law enforcement agencies:

<u>Law enforcement agency</u> Anytown Police Department	<u>Address</u> 100 Tuft Street Anytown, California 91234
Anytown Police Department	Government Hall Big City, California 91235

13. ☒ Plaintiff requests that time for service of the *Order to Show Cause* (form WV-120) and accompanying papers be shortened so that they may be served no less than (specify number): 2 days before the date set for the hearing. I need to have the order shortening time because of the facts contained in this petition.

14. ☐ Plaintiff has asked for restraining orders against the defendant in (specify): _____ County,
Case No. (specify): _____

15. ☐ Employee has asked for restraining orders against defendant in (specify): _____ County,
Case No. (specify): _____

16. **DESCRIPTION OF DEFENDANT TO BE RESTRAINED**

Sex: <input checked="" type="checkbox"/> M <input type="checkbox"/> F Ht.: <u>6'</u> Wt.: <u>190</u> Hair color: <u>Br</u> Eye color: <u>Br</u> Race: <u>White</u> Age: <u>49</u> Date of birth: <u>10/1/52</u>

17. Plaintiff requests additional relief as may be proper.

18. ☒ Plaintiff is not required to pay a fee for filing this petition because the petition alleges that the defendant has inflicted or threatened violence against an employee of the plaintiff, or stalked the employee, or acted or spoke in any other manner that has placed the employee in reasonable fear of violence, and seeks protective or restraining orders or injunctions restraining stalking or future violence or threats of violence in an action brought under Code of Civil Procedure § 527.8.

19. Plaintiff understands that if the court issues an *Order to Show Cause* (form WV-120), a hearing will be held on the date shown in item 2 of the *Order to Show Cause*. At that hearing, plaintiff will be prepared to present evidence supporting the petition.

20. Number of pages attached: 0

..... (TYPE OR PRINT NAME) (SIGNATURE OF ATTORNEY, IF ANY)

I declare under penalty of perjury under the laws of the State of California that I am aware of the facts stated,
a. ☒ on the basis of my own personal knowledge.
b. ☒ on the basis that I have been informed and believe that the facts stated are true. (NOTE: If this petition is made solely on the basis of plaintiff's information and belief, plaintiff **must** attach declarations or affidavits by one or more persons who have personal knowledge of the facts stated.)

Date: March 17, 2002

Sarah Jones (TYPE OR PRINT NAME) Title of person signing: Proprietor, Sarah's Cafe	Sarah Jones (SIGNATURE OF PLAINTIFF)
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VERY IMPORTANT

1. The date you sign.

2. Your signature.

DO NOT FORGET THESE OR ALL YOUR WORK WILL BE WASTED